

A99CV76 SS

**FILED**

OCT 6 1999

U. S. DISTRICT COURT  
CLERK'S OFFICE

By                      Deputy

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

**CASE NO.99-50632**

**PHILLIP W. HYDE; NANCY HYDE**

*Plaintiffs-Appellants*

**v.**

**ADVANCED ENVIRONMENTAL RECYCLING TECHNOLOGIES,  
INC.; ET AL**

*Defendants*

**ADVANCED ENVIRONMENTAL RECYCLING TECHNOLOGIES,  
INC.; BOARD OF DIRECTORS OF AERT, INC.; JOE G.  
BROOKS, President, Individually and in his Official Capacity;  
STEPHEN W. BROOKS, Chief Executive Officer, Individually and  
in his Official Capacity; DR. JAMES CULP, Member, Board of  
Directors, Individually and in his Official Capacity; MARGE BROOKS,  
Member Board of Directors, Individually and in her Official Capacity;  
SAL MIWA, Chair, Board of Directors; JERRY BURKETT, Member,  
Board of Directors; PETER LAU, Member, Board of Directors;  
MIKE TULL, Member, Board of Directors, In their Official Capacities,**

*Defendants-Appellees*

**MOTION TO DISMISS APPEAL**

**TO THE HONORABLE JUDGES OF THIS COURT:**


Come now Plaintiffs-Appellants, PHILLIP W. HYDE and NANCY HYDE,  
and file this their Motion to Dismiss this Appeal, and in support thereof would show  
the following:

1. Appellants seek to dismiss this appeal prior to filing of briefs or other motions in this appeal.
2. Appellants no longer wish to pursue this appeal.
3. Because no briefs have been filed, costs associated with this appeal have been minimal. Appellants incurred the expense of the filing fee and will bear that cost.
4. The position of Appellees regarding this appeal is not known, but it is presumed they will not oppose this motion. Appellants will verify Appellees response and notify this Court.

WHEREFORE, Appellants request their Motion to Dismiss be granted.

Dated: September 29, 1999

Respectfully submitted,



JUDITH A. SANDERS-CASTRO

SBN: 17595255

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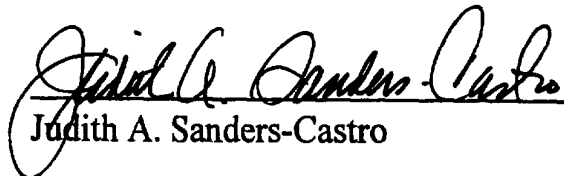
ATTORNEYS FOR

PLAINTIFFS-APPELLANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September 1999, a copy of the foregoing Motion to Dismiss was served on the following attorney for Defendants-Appellees by placing the same in the United States first class mail, postage prepaid:

Robert E. Bettac  
Christopher J. McKinney  
Akin, Gump, Strauss, Hauer & Feld, L.L.P.  
1500 Nations Bank Plaza  
300 Convent Street  
San Antonio, TX 78205

  
\_\_\_\_\_  
Judith A. Sanders-Castro

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No. 99-50632  
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PHILLIP N HYDE; NANCY HYDE

Plaintiffs - Appellants

v.

ADVANCED ENVIRONMENTAL RECYCLING TECHNOLOGIES, INC.; ET AL

Defendants

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Defendants - Appellees

ENTRY OF DISMISSAL

Pursuant to the foregoing motion of appellant, FED.R.APP.P. 42, and 5TH CIR.R. 42.1, the above referenced appeal was duly entered dismissed this 4th day of October, 1999.

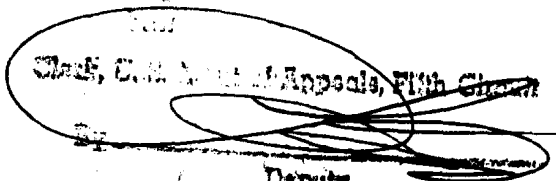
CHARLES R. FULBRUGE III  
Clerk of the United States Court  
of Appeals for the Fifth Circuit

By: 

Lisa Conrad, Deputy Clerk

FOR THE COURT - BY DIRECTION

DIS-4

  
Deputy

New Orleans, Louisiana

OCT 4 1999